

Form FOC 62

ORDER MODIFYING OR RESCINDING EX PARTE ORDER AFTER HEARING

Use this form if:

- you had a hearing on your Objection to Ex Parte Order and Motion to Rescind or Modify (Form FOC 61) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Objection to Ex Parte Order and Motion to Rescind or Modify (Form FOC 61) and the other party (and a third party) will not sign the order.

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | Get the judge's signature? | YES <input type="checkbox"/> |
| 4. | Return to the clerk's office with all copies of the signed order? | YES <input type="checkbox"/> |
| 5. | Make sure the clerk stamps all copies of the signed order? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the signed order for yourself? | YES <input type="checkbox"/> |
| 7. | Mail a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? | YES <input type="checkbox"/> |
| 8. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

If you cannot answer "yes" to all of the above steps, you do not have a valid order.

By using this form you are representing yourself in a court action regarding custody, parenting time, and/or support. In order to receive the action you seek, you must follow the instructions. If you fail to do even one of the required steps, the order you get from the court may not give you what you want. **Note:** Regardless of the custody you ask for, the court is required to use the Child Custody Act in deciding what custody should be. Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the Formula would be unjust or inappropriate. You are responsible for preparing the order even if it is not what you asked for.

If you have questions about any step in the process, read pages 3 and 4 for details.

INSTRUCTIONS FOR USING FORM FOC 62 ORDER MODIFYING EX PARTE ORDER

»» SIGNING AND FILING OF AN ORDER

1. Fill out the Order form.

Normally you will fill out the order at the hearing on the objection. Use the instructions on page 5. Type or print neatly. Be careful not to make mistakes.

Make at least 5 copies of this form after you have filled it out.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask them if the order must be approved by them. Then do either step a. or b. below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with 6 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call them to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.
- b. If the order does not need to be approved by the friend of the court, do step 3. below.

3. Get the Order signed by the judge.

After you have filled out the order, you have to get it signed by the judge one of the following ways:

- You can fill out the order at the time of the hearing and ask the judge or referee to sign it then.
- You can fill out the order after the hearing, get the other party's signature, and take or mail the order to the judge or referee for signature.
- If the other party will not sign the order, you may need to schedule another hearing.

If both you and the other party sign the order to show you both approve the order, then follow the remaining steps on page 4 for getting the order signed by the judge. Otherwise you must do either of the following:

- a. Schedule and attend a hearing to get the order signed. Do not follow any more steps on this form.
(Use packet for Form FOC 53, Notice of Hearing to Enter Order)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed. Do not follow any more steps on this form.
(Use packet for Form FOC 54, Notice to Enter Order without Hearing)

4. Get the Order to the judge.

Since the other party or third party has signed the order, call the friend of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions. Every court has a different way of handling the signing of orders. Ask when to come back for the signed order. If the signed order is sent to the county clerk by the judge, you won't have to pick it up.

5. Pick up the signed order.

If the other party or third party signed the order and you dropped it off for the judge's signature, go back and pick it up on the day and time you were told unless the judge sends the signed order to the county clerk for you. If you have to pick up the order, make sure you pick up all 6 copies of the order.

6. Return to the county clerk.

Once you have the signed order (FOC 62), bring the 6 copies with you to the clerk unless they were sent to the clerk by the judge. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 62 - for you
- 1 Copy of FOC 62 - for other party
- 1 Copy of FOC 62 - for proof of service to the court
- 1 Copy of FOC 62 - for proof of service to the friend of the court

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be provided with a copy of the signed order. Serve the order by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 62 - for the other party
- 2 Copies of FOC 62 - for proof of service
- Any additional copies of FOC 62 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies.

2. Return to the county clerk.

Once you have mailed the order and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

INSTRUCTIONS FOR COMPLETING "ORDER MODIFYING / RESCINDING EX PARTE ORDER AFTER HEARING"

Please print neatly. After filling in the form, you will need to make at least 5 copies.

All items must be completed before the order can be given to the judge for signature. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- Before you fill in the Case No., get your copy of the Motion (Form FOC 61). Copy the Case No. from that paper onto both pages of this form.
- Also use the motion or other court papers to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from the motion or other court papers onto both pages of this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this order form.
- For item 1, check the boxes that apply (based on the part of the order that was changed) and enter the specific changes exactly as they were ordered. Depending on what was ordered, you need to state who is going to have legal and physical custody, what the new parenting time arrangements are, what the new support amounts are including the amount per child, any overdue support payment plan, any changes in the health care provision, and other changes ordered by the judge or referee. Use the notes you took at the hearing.
- For item 2, state all other changes ordered by the judge or referee. Use a separate sheet of paper. You will need 4 copies of this sheet to attach to this form.
- For item 3, enter the date the new order starts.
- If the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on form FOC 53, Notice of Hearing to Enter Order, to schedule a hearing.
- Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, call the friend of the court office. If it is required, see page 3 for directions on getting the friend of the court's approval.
- To find out how to get the order signed, call the friend of the court office for instructions. See pages 3 and 4 for details.
- **Certificate of Mailing:** On the date you serve a copy on the other party, write in the date and sign your name on the remaining 3 copies. Return to the county clerk with 2 copies.

You must read the directions on the legal process.